

Remarks

The Examiner is thanked for the indication that claims 9-11 contained allowable subject matter.

Reconsideration of this Application is respectfully requested.

Paragraphs 0042, 0047, 0065, 0066, 0078, 0084, and 0090 are sought to be amended. Support for these amendments is found in the originally filed application specification, figures, and claims. Therefore, no new matter has been entered by these amendments.

Figure 6 is sought to be amended. Support for this amendment, as discussed above, is found in the originally filed specification. Therefore, no new matter has been entered by this amendment.

Claim 1 is sought to be amended. Upon entering the amendment, claims 1-12 are pending in the application, with 1 being the sole independent claim. No new matter has been entered by this amendment.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Figures

The Examiner objected to the Figures under 37 C.F.R. §1.84(p)(5) as not showing element 611 mentioned in the specification and because the Figures showed numerous references numbers not mentioned in the specification.

In regards to element 611, based on the amendment to Figure 6 and the description of the amendment discussed above, Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

In regards to the numerous elements shown in the Figures but not described in the specification, based on the amendments to paragraphs 0042, 0047, 0065, 0066, 0078, 0084, and 0090 above, Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

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Objections to the Specification

The Examiner objected to paragraph 0047 of the specification as missing a symbol. Based on the amendment to paragraph 0047 above, Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 4-8, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,917,399 to Buzawa et al. ("Buzawa") in view of U.S. Patent No. 5,593,606 to Owen et al. ("Owen"). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Buzawa in view of Owen, and in further view of U.S. Patent No. 5,593,606 to Zhang et al. ("Zhang"). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Buzawa in view of Owen, and in further view of U.S. Patent No. 4,342,517 to Johnson et al. ("Johnson"). Applicant traverses these rejections.

Although Applicant continues to disagree with the Examiner's rejections, Applicant has amended claim 1 in order to expedite prosecution. Amended Claim 1 recites at least wherein the variable wave plate is positioned along the axis next to the reticle and before the first optical device.

The Examiner alleges that Buzawa teaches wave plate 23 is adjacent reticle 15 in the Figure. In order to clarify the claim, Applicant has amended claim 1 to change "adjacent" to a previously argued synonym "next to," which Applicant believes should overcome Buzawa without changing the scope of the claims. This is because, as discussed in the Amendment and Reply of August 31, 2004 at page 7, "adjacent" means "next to." In Buzawa wave plate 23 is not "next to" (i.e., adjacent) reticle 15, as now recited in claim 1. None of the other applied references cure the deficiencies of Buzawa.

Therefore, at least "wherein the variable wave plate is positioned along the axis next to the reticle and before the first optical device," as recited in amended claim 1, is neither taught or suggested by Buzawa either singly or in combination with any of the other applied patents. Accordingly, Applicant respectfully requests that the Examiner

reconsider and withdraw the rejection. Also, at least based on their dependency to claim 1, claims 2-8 and 12 should be found allowable over the applied references.

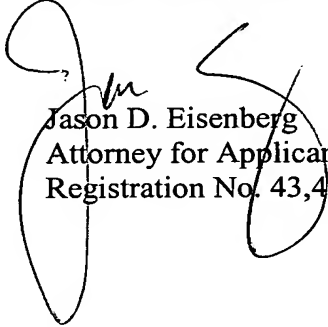
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Amendments to the Figures

Figure 6 has been amended to add element 611, as described in the specification at paragraph [0078].